

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20544**

In the Matter of :)	
)	
Amendment of Part 97 of the Commission's Rules)	RM-11305
Governing the Amateur Radio Service)	

Petition For Spectrum Deregulation in the Amateur Service

INTRODUCTION

The petitioners propose to discontinue mandatory segregation of emission modes and the activities using these modes in the Amateur Service, and substitute a voluntary system of coordination to achieve greater, and more efficient, utilization of frequency allocations within the amateur radio service bands. Spectrum utilization would be improved because amateur radio operators would dynamically select from among the entire range of frequencies available in a given band.

MY RESPONSE:

The petitioners claim in their request that all operating interests and emission types enjoy equal status. The petitioners also seem to reply solely on the premise that all licensed amateurs would exercise "good judgment" when operating in this deregulated mode environment. They further claim that phone use on many bands often exhibits signs of overcrowding and included data to support that argument.

I have no argument with the statement that phone use on many bands often exhibits signs of overcrowding since phone is a very popular mode of communication. However, in a deregulated mode environment, phone will quickly spread to occupying almost every available frequency in an amateur band. Low power phone, CW, and narrow bandwidth digital signals may find it difficult, if not impossible, to find available frequencies as phone signals fill up an entire amateur band. Further, in a deregulated mode environment, very wide bandwidth modes such as FM or digital multimedia, are now free to wander anywhere in an amateur band. The petitioners also fail to realize that their petition would allow the abuse of spectrum by Winlink 2000 clients, who use

the Amateur Radio Service as a substitute for commercial email services, by providing no limits to the growth of remotely controlled robot mailboxes.

The petitioners have also failed to provide any substantial data to support their claim that such deregulation is warranted. The only data provided, Appendix A – An Analysis of Band Occupancy by Mode, is so limited in scope that it would be impossible to make a sincere determination that this data should be the justification for total mode deregulation for the entire Amateur Radio Service in the United States. All of the data was collected during one day and at only one location. In order for this data to have even a sliver of meaning, sampling should have been done over multiple locations across the country, using similar or identical sampling tools, and over a considerably longer time frame. With propagation conditions such a variable from location to location, and the current solar cycle near minimum, to conclude the test, as a “typical operating day” is totally without merit. In my opinion, it is irresponsible for the petitioners to base the entire mode deregulation of the HF bands on such a survey and unfair to all modes. Further, to add to “data validity”, under Proposed Changes, Section 97.301, four typographical errors were found in the data entries. I note that on January 17, 2006, the petitioners, as part of this Commenting process, requested that this section be removed from the petition due to these errors. In my opinion, it further questions the overall sincerity of the data and the merits of this entire proposal.

MY RECOMMENDATION

I find no merit to any part of this seriously flawed proposal. It seems to want to throw out all the current rules and regulations and turn the entire Amateur Radio Service into anarchy. I strongly urge the Commission to reject this proposal in its entirety.

Sincerely

Peter A. Markavage, WA2CWA